SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1940

No. 892

THOMAS J. BUTTARS, SR.,

Petitioner,

vs.

UTAH MORTGAGE LOAN CORPORATION.

SUPPORTING BRIEF ON QUESTIONS OF JURISDICTION OF THE SUPREME COURT TO ISSUE WRIT OF CERTIORARI.

This Court is authorized to grant a writ of certiorari by the express provisions of Section 347 of the Judicial Code:

> "In any case, civil or criminal, in a circuit court of appeals, or in the Court of Appeals of the District of Columbia, it shall be competent for the Supreme Court of the United States, upon the petition of any party thereto, whether government or other litigant, to require by certiorari, either before or after a judgment or decree by such lower court, that the cause be certified to the Supreme Court for determination by it with the same power and authority, and with like effect, as if the cause had been brought there by unrestricted writ of error or appeal."

The petitioner asserts the right to pursue proceedings under a Federal statute, and that right has been denied him.

The right of the debtor to file a petition under subsection (s) of Section 75 of the Bankruptcy Act was denied by the order of the District Court striking from his schedules the mortgaged property after the amended petition under subsection (s) was filed, after all statutory requirements were complied with, and after the entry of an order of the court staying all proceedings against the debtor. The debtor was denied an extension of the period of redemption for such time as was necessary for the purposes of carrying out the provisions of the Act. The lower courts entered judgment contrary to the express provisions of the statute, and contrary to the decisions of this Court in:

John Hancock Mutual Life Insurance Co. v. *Bartels,* 308 U. S. 180, 84 L. Ed. 176;

Kalb v. *Feuerstein,* 308 U. S. 433, 84 L. Ed. 370;

Union Joint Stock Land Bank v. *Byerly,* 310 U. S. 1, 84 L. Ed. 1041;

Borchard v. *California Bank,* 310 U. S. 311, 84 L. Ed. 1223;

Wright v. *Union Central Life Insurance Company,* — U. S. —, Advance Sheet 85 L. Ed. 166.

This Court has repeatedly granted certiorari in cases involving Section 75 of the Bankruptcy Act.

Louisville Joint Stock Land Bank v. *Radford,* 295 U. S. 555, 79 L. Ed. 1593;

Wright v. *Mountain Trust Bank,* 300 U. S. 440, 81 L. Ed. 736;

Adair v. *Bank of America National Trust and Savings Association,* 303 U. S. 350, 82 L. Ed. 889;

John Hancock Mutual Life Insurance Co. v. *Bartels,* 308 U. S. 180, 84 L. Ed. 176;

Kalb v. *Feuerstein,* 308 U. S. 433, 84 L. Ed. 370;

Union Joint Stock Land Bank v. *Byerly*, 310 U. S. 1, 84 L. Ed. 1041;

Borchard v. *California Bank*, 310 U. S. 311, 84 L. Ed. 1222;

Wright v. *Union Central Life Insurance Company*, — U. S. —, Advance Sheet 85 L. Ed. 166.

Respectfully submitted,

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